

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 184 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE H.R.SHELAT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SABASHKHAN NURKHAN PATHAN

Versus

STATE OF GUJARAT

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Appearance:

MS SUBHADRA G PATEL for Petitioner  
MR U.R.BHATT ADDL.PUBLIC PROSECUTOR  
for Respondent No. 1

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CORAM : MR.JUSTICE H.R.SHELAT

Date of decision: 19/03/98

ORAL JUDGEMENT

Rule. Mr. U.R.Bhatt, learned Additional Public Prosecutor for the State, waives the service of Rule. The parties do not press for a reasoned order.

2. The petitioner is a convict and is undergoing the sentence, but at present, he is released on Parole. His period of Parole expires today. He seeks extension of

the period of Parole, because his wife is sick and for heart ailment, she is hospitalised. The petitioner's presence is absolutely necessary so as to provide the best of the medical treatment and make necessary arrangement qua the medical treatment.

3. The State has objected this application on the ground that the petitioner being habitual offender would not surrender to the Jail authority and would flee. It is also the apprehension of the Police that the petitioner would harass the witnesses. Further petitioner is on one or another ground remained on Parole and by now about 48 days of Parole are over. Mr. Bhatt, the learned APP, therefore, requests to reject this application.

4. If there is a good cause, the Parole has to be extended and if the cause is not appealing or if the petitioner is misusing his liberty, certainly the application can be rejected. In this case, the sickness of petitioner's wife is not disputed. The petitioner, being the husband, would therefore like to remain with his wife so as to provide the best of the medical treatment and make necessary arrangement. Uptill now, the petitioner has remained on Parole and no untoward incident is reported. His conduct in jail is also good. There is, therefore, no reason to believe that he would misuse his liberty. Under the circumstances, the period of Parole for seven days more is required to be granted, in other words, the period of Parole is required to be extended for SEVEN days from tomorrow.

5. For the aforesaid reason, this application is allowed. The period of Parole is extended by seven days to be counted from tomorrow, on the same terms and conditions and further on condition that the petitioner shall mark his presence before the Baroda City Police Station on every day at any time between 9-00 a.m. to 2-00 p.m. and shall surrender back to the Jail authority latest by 16-00 hrs on the last date of the extended Parole period. Rule accordingly made absolute. Direct service permitted.

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